

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

(Through Virtual Mode)

LPA no.76/2026

CM no.2530/2026

Sanjay Raina

.....Appellant(s)

Through: Mr.Ronik Sharma, Advocate
with Mr. Dhiraj Chowdhary, Advocate

Versus

UT of J&K and others

.....Respondent(s)

Through: Ms. Sagira Jaffer, Assisting counsel
vice Ms. Monika Kohli, Sr. AAG

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR JUSTICE RAJNESH OSWAL, JUDGE

ORDER
12.05.2026

1. Appellant is aggrieved of judgement dated 25th February 2026 passed by learned Writ Court in OWP no.1547/2018 titled as "*Satish Sassan and others v. State of J&K and others*", whereby writ petition preferred by appellant along with others has been dismissed on merits in his absence.
2. Besides other grounds raised by appellant in this *intra* court appeal, assailing the judgement impugned, the main ground as exhorted by appellant is that on 16th July 2015, the matter was listed at serial no.07 before the Bench, which had heard it in part and after its pass over at the request of learned counsel for respondents, the matter could not be

taken up due to paucity of time and on 10th February 2026, the matter was reserved by learned Writ Court in absence of appellant.

3. Precisely, learned counsel appearing for appellant has submitted that, if at all, appellant was not present on 10th February 2026, learned Writ Court ought not to have decided the matter on merits and instead Writ Court could have dismissed the writ petition for non-prosecution.
4. On the other hand, learned counsel for respondents has submitted that as appellant was not present, the matter was reserved by learned Writ Court. She has further submitted that taking into account the case set up and grounds urged by appellant in his writ petition, the learned Writ Court has rendered the judgement impugned.
5. Heard learned counsel appearing for parties and perused the record.
6. The record depicts that on 21st May 2025, the matter was heard in part by one Bench and the same could not be considered by the said Bench on 21st November 2025 and the matter was posted on 10th February 2026. On the said date, viz. 10th February 2026, none appeared on behalf of the appellant. The learned Writ Court reserved the matter and pronounced the judgement on 26th February 2026.
7. We are not commenting upon the merits of the claims made by appellant as the findings qua merits have not been returned by learned Writ Court after affording opportunity of hearing to the appellant but in his absence.
8. In the peculiar facts and circumstances of the case, we are of the considered view that the learned Writ Court either could have adjourned the matter or dismissed the writ petition for non-prosecution

on 10th February 2026, but ought not to have returned findings on the merits of the claim of appellant in his absence.

9. In view of above, the order/judgement dated 25th February 2026 passed in OWP no.1547/2018 titled as *Satish Sassan and others v. State of J&K and others*, is set-aside and the matter is remitted to the learned Writ Court for its consideration afresh in accordance with law after affording due opportunity of hearing to both the parties.

10. Registry is directed to list writ petition, OWP no.1547/2018 on 3rd June 2026.

(Rajnish Oswal)
Judge

(Arun Palli)
Chief Justice

Srinagar

12.05.2026

Ajaz Ahmad, Secy

Whether approved for reporting? No

